

Chapter 9

After the Election

After the election, a candidate's future filing obligations usually are determined by whether he or she won or lost. This chapter addresses the reporting requirements for candidates and the requirements for terminating a campaign committee.

See Chapter 1 for restrictions on state candidates raising funds after an election. Also see Chapters 1 and 6 for the filing and termination requirements for legal defense fund and officeholder committees.

Successful Candidates – Future Filing Obligations for Non-Election Years

During non-election years, Form 460 is filed by a candidate's election committee on a semi-annual basis as long as the committee remains open.

In addition, state candidates must continue filing the electronic \$5,000 reports discussed in Chapter 6 until the 90-day election cycle preceding their next election. Other special reports also may be required. (See Chapter 8.)

Co-Sponsored (or "Behested") Payment Reports

Elected officials often co-sponsor charitable, governmental, or legislative events with outside sources. Examples might include a job fair or a conference on health or educational issues co-

sponsored by an elected official and business or non-profit entities.

Payments made by outside sources in connection with these events generally are not considered gifts or contributions to the elected official who is co-sponsoring the event, although meals, lodging, and travel payments received by an official in connection with a co-sponsored event may be reportable gifts. If an outside source pays \$5,000 or more in a calendar year in connection with one or more such events, the co-sponsoring elected official must file a special report disclosing the payment(s). The report is required to be filed with the elected official's agency within 30 days following the date of the payment and is a public record. The agency must forward a

REPORT OF PAYMENT FOR LEGISLATIVE, GOVERNMENTAL, OR CHARITABLE PURPOSES	
Pursuant to Government Code section 82015, the following is a notice that a payment or payments aggregating \$5,000 or more has been made principally for legislative, governmental, or charitable purposes in coordination with or at the request of the official listed below.	
Name of Official	Marshall Travers
Agency Address	State Capitol, Room 2055, Sacramento, CA 95814
Date(s) of Payment(s)	June 24, 20XX
Name of Payor	Wildwood Insurance Company
Address of Payor	1253 Main Street, Oakmont, CA 95433
Amount(s) of Payment(s)	\$5,000
Name of Payee	Boys and Girls Club of California
Address of Payee	555 10th Street, Sacramento, CA 95814
Description of Goods Or Services Provided	Charitable Donation
Specific Legislative, Governmental, or Charitable Purpose	Charitable Fundraiser
Date: 7/1/XX	[Signature Required]
	Signature of Elected Official

copy of the report to the FPPC. Reports filed by state officeholders are posted on the FPPC website.

The report also must be filed by an elected official if an individual or entity donates \$5,000 or more in a calendar year to charitable organizations or events at the request of the elected official.

There is no specific form for reporting co-sponsored payments. The report must contain all of the information shown in the example above.

Defeated Candidates – Future Filing Obligations

Form 470 Filers

A candidate who filed the campaign statement short form, Form 470, has no further reporting obligations after the election as long as less than \$1,000 was raised or spent during the calendar year.

Form 460 Filers

See the “Termination Requirements” section at the end of this chapter for deadlines for terminating an election committee. Form 460 must be filed on a semi-annual basis as long as the committee remains open.

In addition, state candidates must file the electronic \$5,000 reports discussed in Chapter 6 if contributions of \$5,000 or more are received for the purpose of paying outstanding debt. Other special reports also may be required. (See Chapter 8.)

Termination

State candidate controlled committees must terminate by a specified deadline. (See the “Termination Requirements” section later in this chapter.)

A committee may terminate only if the committee:

- Has ceased receiving contributions or making expenditures and does not anticipate receiving contributions or making expenditures in the future;
- Has no remaining campaign funds;
- Has filed all required campaign statements, disclosing all reportable transactions, including the disposition of leftover funds; and
- Has eliminated all debts, or has no intention or ability to discharge debts.

Answering Your Questions

- Q. *May I terminate my committee even if I have outstanding debt owing to creditors?*
- A. Yes. When you file your termination statements showing outstanding debt, you are declaring that you do not have the ability to discharge debts, loans, or other obligations. However, if you plan to raise additional funds, or pay the outstanding debt with personal funds, you may not terminate.

How to Terminate

Use the Form 410 to terminate the committee. Check the “Termination” box, and report the committee’s identification number and the date of termination; the date of termination generally is the date all funds have been expended. In addition, identify the name of the committee and have the treasurer or assistant treasurer sign the verification. The controlling officeholder(s)/ candidate(s) also signs the verification. Form 460 also must be filed showing that all funds have been expended and the committee has no cash on hand. Check the “Termination” box on the cover page.

Where to File

File the original and a copy of the Form 410 with the Secretary of State. File Form 460 in the committee's regular filing locations. (See Chapter 6.)

Candidate Election Committee Termination Requirements

A controlled committee formed for a state election held after February 15, 2002, must be terminated after the election. The deadline for termination depends on whether the candidate is successful in the election and whether the committee has net debt. (For a definition of "net debts outstanding" see Chapter 1. In addition, see the discussion of "surplus funds" in Chapter 10.)

Successful Candidates

A committee with no net debts outstanding must be terminated no later than nine months after the date the officeholder leaves office or the term of office ends, whichever is earlier.

A committee with net debts outstanding must be terminated no later than 24 months after the date the officeholder leaves office or the term of office ends, whichever is earlier.

Example *Senator Dorothy Patrillo has a controlled committee formed in 2004 for her current Senate term and has opened a new committee for reelection in 2008. The 2004 committee, which has no debt, must be terminated no later than nine months after either the date she leaves office or the 2004 term of office ends, whichever is earlier. (The 2004 term of office ends in December of 2008.) The termination date for the 2008 Senate committee depends upon whether Senator Patrillo is reelected and whether her committee has net debts outstanding at the end of her 2008 term of office.*

Defeated Candidates

A committee with no net debts outstanding must be terminated no later than nine months after the election. A committee with net debts outstanding must be terminated no later than 24 months after the election.

State Officeholders with Local Committees

Candidates who are elected to a state office must terminate any controlled committees that were formed for local elections held concurrent with or prior to their election to state office. The local committees must be terminated within 24 months of the candidate's election to state office.

Example *Assemblymember Hiesheena Washington has an open committee established for her 2000 election to city council. She also has an open Senate committee formed in 2004 for her current term of office. The committee formed for city council must be terminated by November 2, 2006.*

Notification Requirements for Committees with Debts

A committee with debt must provide 60 days notice to creditors prior to termination.


A committee may terminate with debt, but prior to terminating must dispose of all cash and close its bank account. No new contributions may be received – future contributions must be returned to the contributor – and no further expenditures may be made once the committee has been terminated. A Statement of Organization (Form 410) must be filed stating that the committee has been terminated. A terminating Form 460 reflecting zero ending cash must also be filed.

Extensions and Reopening

A committee may request to delay its termination for up to six months if it is

continuing to receive contributions or anticipates receiving contributions for the purpose of paying debts, if the candidate or committee is a party to litigation, or for other good cause. The request for extension must be submitted to the Executive Director of the Fair Political Practices Commission no later than 45 days prior to the due date for the committee's termination.

A terminated committee may submit a request to the Executive Director of the Fair Political Practices Commission to reopen the committee under certain, limited circumstances. See Regulation 18404.1 or contact the FPPC for more information.

 **QuickTip** If the committee has debt and intends to raise funds after the termination deadline to pay the debt, an extension should be requested. The committee cannot be reopened for this purpose once it is terminated.

State Officeholder Committee Termination Requirements

A committee established by an elected state officeholder to pay officeholder expenses (see Chapter 1) must be terminated within 90 days of the date the officeholder leaves office or the term of office ends, whichever is earlier. Unlike controlled election committees, an officeholder committee may be redesignated for the next term of the same office by amending the committee's Form 410. The Executive Director of the Fair Political Practices Commission may for good cause extend the termination date or allow the committee to be reopened.

Legal Defense Committee Termination Requirements

A legal defense committee must be terminated within 90 days of the date the last legal dispute for which the committee was established has been resolved. The

Executive Director of the Fair Political Practices Commission may for good cause extend the termination date or allow the committee to be reopened.

Authority

The following Government Code sections and Title 2 regulations provide authority for the preceding information in this chapter:

Government Code Sections

82015	<i>Contribution.</i>
84103	<i>Statement of Organization; Amendment.</i>
84200	<i>Semi-Annual Statements.</i>
84206	<i>Candidates Who Receive or Spend Less than \$1,000.</i>
84214	<i>Termination.</i>
85309	<i>Online Disclosure of Contributions.</i>

Title 2 Regulations

18215	<i>Contribution.</i>
18404	<i>Termination of Candidate's and Committees' Filing Requirements.</i>
18404.1	<i>Termination of Committees.</i>
18406	<i>Short Form for Candidates or Officeholders Who Receive and Spend Less than \$1,000 in a Calendar Year.</i>
18426	<i>Semi-Annual Statement Early Filing.</i>
18530.4	<i>Legal Defense Funds.</i>
18531.62	<i>Elected State Officeholder Bank Accounts.</i>